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PTO/SB/30 (08-03)

RCE

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<p>OCT 07 2004 U.S. PATENT AND TRADEMARK OFFICE REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL Address to: Mail Stop RCE Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450</p>	Application Number	10/089,351
	Filing Date	March 27, 2002
	First Named Inventor	Gruenbacher
	Group Art Unit	3751
	Examiner Name	K. J. Prunner
	Attorney Docket Number	8278
	Confirmation Number	1392

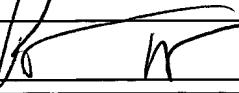
This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 C.F.R. § 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).
 - a. Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
 - i. Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
 - ii. Other _____
 - b. Enclosed
 - i. Amendment/Reply
 - ii. Affidavit(s)/Declaration(s)
 - iii. Information Disclosure Statement (IDS)
 - iv. Other _____
2. **Miscellaneous**
 - a. Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
 - b. Other _____
3. **Fees** The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.
 The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 16-2480.

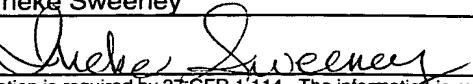
i. <input checked="" type="checkbox"/> RCE fee required under 37 C.F.R. § 1.17(e)	10/08/2004 MAHMED1 00000101 162480 10089351
ii. <input type="checkbox"/> Extension of time fee (37 C.F.R. §§1.136 and 1.17)	01 FC:1801 790.00 DA
iii. <input type="checkbox"/> Suspension of action fee under 37 C.F.R. 1.17(i)	
iv. <input type="checkbox"/> Other _____	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

NAME (Print/Type)	Peter D. Meyer	Reg. No. (Attorney/Agent) 47,792
SIGNATURE		
	DATE October 5, 2004	

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that I have reasonable basis to expect that, on the date shown below, this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office via fax number 703-872-9306 on the date shown below:

NAME (Print/Type)	Ineke Sweeney	
SIGNATURE		DATE October 5, 2004

+ This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing and submitting the completed application form to the USPTO. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. Send Fees and Completed forms to the following address: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
(Revised for P&G use 9/3/2004)

FEE TRANSMITTAL for FY 2005



Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$) 790.00

Complete if Known	
Application Number	10/089,351
Confirmation Number	1392
Filing Date	March 27, 2002
First Named Inventor	Gruenbacher
Examiner Name	K. J. Prunner
Art Unit	3751
Attorney Docket No.	8278

METHOD OF PAYMENT

1. The Director is hereby authorized to charge indicated fees submitted on this form, credit any over payments, and charge any additional fee(s) during the pendency of this application to:

Deposit Account Number: 16-2480

Deposit Account Name: The Procter & Gamble Company

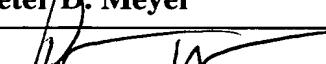
FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Code	(\$)	Fee Description	Fee Paid
1051	130	Surcharge-late filing fee or oath	<input type="checkbox"/>
1052	50	Surcharge-late provisional filing fee or cover sheet	<input type="checkbox"/>
1053	130	Non-English specification	<input type="checkbox"/>
1812	2,520	For filing a request for <i>ex parte</i> reexamination	<input type="checkbox"/>
1804	920*	Requesting publication of SIR prior to Examiner's action	<input type="checkbox"/>
1805	1,840*	Requesting publication of SIR after Examiner's action	<input type="checkbox"/>
1251	110	Extension for reply within 1 st month	<input type="checkbox"/>
1252	430	Extension for reply within 2 nd month	<input type="checkbox"/>
1253	980	Extension for reply within 3 rd month	<input type="checkbox"/>
1254	1,530	Extension for reply within 4 th month	<input type="checkbox"/>
1255	2,080	Extension for reply within 5 th month	<input type="checkbox"/>
1401	340	Notice of Appeal	<input type="checkbox"/>
1402	340	Filing a brief in support of an appeal	<input type="checkbox"/>
1403	300	Request for oral hearing	<input type="checkbox"/>
1451	1,510	Petition to institute a public use proceeding	<input type="checkbox"/>
1452	110	Petition to revive - unavoidable	<input type="checkbox"/>
1453	1,370	Petition to revive - unintentional	<input type="checkbox"/>
1501	1,370	Utility issue fee (or reissue)	<input type="checkbox"/>
1502	490	Design issue fee	<input type="checkbox"/>
1460	130	Petitions to the Commissioner	<input type="checkbox"/>
1807	50	Processing fee under 37 C.F.R. 1.17(q)	<input type="checkbox"/>
1806	180	Submission of Information Disclosure Statement	<input type="checkbox"/>
1809	790	Filing a submission after final rejection (37 CFR § 1.129(a))	<input type="checkbox"/>
1810	790	For each additional invention to be examined (37 CFR § 1.129(b))	<input type="checkbox"/>
1801	790	Request for Continued Examination (RCE)	<input checked="" type="checkbox"/>
1802	900	Request for expedited examination of a design application	<input type="checkbox"/>
1454	1370	Acceptance of unintentionally delayed claim for priority under 35 U.S.C. 119, 120, 121, or 365 (a) or (c)	<input type="checkbox"/>

Other fee (specify) _____

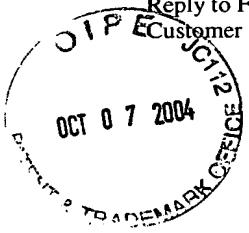
Other fee (specify) _____

* Reduced by Basic Filing Fee Paid **SUBTOTAL(3) (\$)** [790.00]**SUBMITTED BY**

Name (Print/Type)	Peter D. Meyer	Registration No. (Attorney/Agent)	47,792	Complete (if applicable)
Signature				Date October 5, 2004

This collection of information is required by 37 CFR 1.17. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon individual case. Any comments on the amount of time you are required to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P. O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Appl. No. 10/089,351
Atty. Docket No. 8278
Ammdt. Dated October 5, 2004
Reply to Final Office Action of July 21, 2004
Customer No. 27752



Certification of Mailing

I hereby certify that this correspondence is being sent via U.S. first-class mail to the Commissioner of Patents in the U.S. Patent and Trademark Office on October 5, 2004.

Ineke Sweeney
Name

Ineke Sweeney
Signature

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.:	:	10/089,351
Applicants	:	Gruenbacher, et al.
Filed	:	March 27, 2002
Title	:	A SEMI-ENCLOSED APPLICATOR HAVING A TEMPERATURE CHANGING ELEMENT
TC/A.U.	:	3751
Examiner	:	K. J. Prunner
Conf. No.	:	1392
Docket No.	:	8278
Customer No.	:	27752

AMENDMENT

Mail Stop RCE
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

INTRODUCTORY REMARKS

In response to the Final Office Action of July 21, 2004, please amend the above-identified application as follows and consider the following remarks and reconsider the application.

Please amend the above-identified application as follows:

Appl. No. 10/089,351
Atty. Docket No. 8278
Amtd. Dated October 5, 2004
Reply to Final Office Action of July 21, 2004
Customer No. 27752

Amendments to the Specification begin on page 3 of this paper.

Amendments to the Claims begin on page 4 of this paper.

Remarks begin on page 8 of this paper.